

**FILED**

**NOT FOR PUBLICATION**

DEC 01 2015

**UNITED STATES COURT OF APPEALS**

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**FOR THE NINTH CIRCUIT**

**DAVID LEROY NEWMAN,**

Plaintiff - Appellant,

v.

**BANK OF NEW YORK MELLON  
CORP., as Trustee for the Certificate  
Holders of CWMBS, Inc., CHL  
Mortgage Pass-Through Trust 2007-  
HY7, Mortgage Pass Through  
Certificates 2007-HY7 (“BONY”), FKA  
The Bank of New York; MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC.; BANK OF  
AMERICA, N.A.,**

Defendants - Appellees.

No. 13-17297

D.C. No. 1:12-cv-01629-AWI-GSA

**ORDER**

Before: **KOZINSKI, BYBEE and CHRISTEN**, Circuit Judges.

Oral argument currently scheduled for December 7, 2015 is **VACATED** and submission is **DEFERRED**. The parties are ordered to file simultaneous supplemental briefs addressing whether this Court should continue to defer submission pending a decision by the Supreme Court of California in Keshtgar v. U.S. Bank, 334 P.3d 686 (Cal. 2014) (No. S220012). The briefs may not exceed

page 2

5,000 words, shall be filed no more than 14 days after this order and must comply with Federal Rule of Appellate Procedure 32.